

FIRM'S NAME _____

File No. 2015-018-00

ADDRESS _____

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CITY OF AKRON, OHIO
DEPARTMENT OF PUBLIC SERVICE
BUREAU OF ENGINEERING
REQUEST FOR QUALIFICATIONS FOR THE
EAST MARKET STREET REDEVELOPMENT
FOR CONSTRUCTION MANAGER AT RISK

QUALIFICATION STATEMENTS DUE DATE: OCTOBER 19, 2015 AT 12:00 PM LOCAL TIME

FOR QUESTIONS CONTACT PROJECT MANAGER: Randall Keirns, Project Manager
RKeirns@akronohio.gov

AFTER OCT. 19, 2015 PLANS MAY BE PURCHASED AT:
SE Blueprint, Inc., 540 South Main Street, Suite 211, Akron, Ohio 44311 (www.seblueprint.com)
AT A COST OF THIRTY DOLLARS (\$30) (NON-REFUNDABLE)

COMPLETE THE FORMS BOUND HEREIN AND
SUBMIT THE ENTIRE BOOK. DO NOT REMOVE ANY PAGES.

**EAST MARKET STREET REDEVELOPMENT
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**CITY OF AKRON, OHIO
DEPARTMENT OF PUBLIC SERVICE
BUREAU OF ENGINEERING
PUBLIC IMPROVEMENT
LEGAL NOTICE**

The City of Akron, Ohio, a charter municipal corporation, is seeking qualification statements from construction management firms to construct the Project described in more detail below. Firms deemed qualified by City will then be issued a Request for Proposals for the Project and asked to submit pricing to perform the construction management at risk services for the Project.

Sealed Qualification Statements will be received at the City of Akron Department of Public Service, Room 201, 166 South High Street, Akron, Ohio 44308 until 12:00 pm local time on the date indicated below for:

EAST MARKET STREET REDEVELOPMENT

**Qualification Statement Due Date: October 19, 2015
City's Engineer's Estimate: \$2,900,000**

Project Description: This project consists of 0.53 miles of roadway and utility improvements along East Market Street. Improvements include 0.53 miles of pavement resurfacing between the Kelly Avenue bridge abutment and the railroad bridge abutment just north of Fulton Street and 0.39 miles of pavement widening and reconstruction including utility relocations, adjustments and storm drainage improvements between Cook Avenue and Fulton Street. Other improvements along the entire 0.53 miles include adding and/or replacing curb bumpouts, curb ramps, street lights and landscape islands and medians.

All questions related to this Request for Qualifications must be submitted in writing to City no later than 12:00 pm local time on October 5, 2015. City shall issue a response to all questions received by such deadline no later than 12:00 pm local time on October 13, 2015.

Copies of the plans can be obtained after Oct. 19, 2015 from SE Blueprint, Inc., 540 South Main Street, Suite 211, Akron, Ohio 44311 at a cost of Thirty Dollars (\$30), which amount is not refundable. PLEASE FAX OR E-MAIL YOUR QUANTITY REQUESTS PRIOR TO PURCHASE, FAX: 330-376-2511, E-MAIL: akron@seblueprint.com YOU WILL THEN BE CONTACTED WHEN PLANS ARE AVAILABLE FOR PICK-UP. They can also be viewed in the office of the Bureau of Engineering, 7th Floor Municipal Building, Akron, Ohio.

Persons with disabilities needing assistance are asked to contact the Office of the ADA Coordinator, 166 South High Street, Room 203, Akron, Ohio 44308, (330) 375-2189 (voice), (330) 375-2345 (TDD), at least seven (7) days in advance.

Not less than the minimum salaries and wages as set forth in the Contract Documents must be paid on this Project, and the selected firm must ensure that employees and applicants for employment are not discriminated against because of their race, creed, color, sex, sexual orientation, gender identity or national origin.

As described in more detail in the Request for Proposals, each firm deemed qualified by City must submit with its Proposal in response to the Request for Proposals a certified check in the sum of five percent (5%) of the proposed Initial Guaranteed Maximum Price (as defined in the Agreement) on a solvent bank or a bond in like amount, acceptable to the City of Akron, as a guarantee that if the Proposal is accepted, a contract will be entered into.

Proposals may be held by City for a period not to exceed one hundred twenty (120) days after the date Proposals are opened for the purpose of reviewing the Proposals and investigating the qualifications of firms prior to awarding the Agreement.

Except as provided in Section 34.09 of the City's Code of Ordinance, the firm to whom the Agreement is awarded will be required to furnish a performance and payment bond in the sum of 100% of the Guaranteed Maximum Price for the faithful performance of the contract. The performance and payment bond shall remain in full effect until Final Completion of the Project.

The Director of Public Service reserves the right to reject any or all Qualification Statements and/or Proposals, and to waive informalities.

By Order of the Director of Public Service
John O. Moore
Director of Public Service

INSTRUCTIONS TO FIRMS

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ARTICLE 1 – DEFINED TERMS

- 1.01 Terms used in these Instructions to Firms have the meanings indicated in Article 1 of the General Conditions.
- 1.02 As used on the Contract Documents, the term “CONTRACTOR” shall mean the construction manager at risk for the Project, which construction manager at risk shall be selected by City pursuant to the selection process described in this Request for Qualifications.
- 1.03 Any reference to the “Proposed Documents” in connection with the obligations of a firm prior to submitting a qualification statement shall refer only to those Proposal Documents made available by the City prior to qualification statements being due.

ARTICLE 2 – COPIES OF PROPOSAL DOCUMENTS

- 2.01 Copies of the Plans will be available after Oct. 19, 2015 from SE Blueprint, Inc., 540 South Main Street, Suite 211, Akron, Ohio 44311, Phone 330-376-1689 at the cost set forth on the cover page hereof, which amount is not refundable. Please fax or email your requested quantity of Plans prior to purchase. Fax: 330-376-2511, Email: akron@seblueprint.com. Firms will then be contacted when Plans are available for pickup. When available Plans can also be viewed in the office of the Bureau of Engineering, 7th Floor Municipal Building, Akron, Ohio. Additional information may be found at www.seblueprint.com / www.plancycle.com.
- 2.02 Complete sets of Plans shall be used in preparing the Proposals. City does not assume any responsibility for errors or misinterpretations resulting from the use by firms of incomplete sets of Plans.
- 2.03 City makes copies of Plans available on the above terms only for the purpose of obtaining Proposals for the Project and does not authorize or confer a license for any other use.

ARTICLE 3 – SELECTION SCHEDULE

- 3.01 A summary of the major activities relating to this selection process is set forth below. City reserves the right to modify any or all of the following dates.

Activity	Date
Issuance of Request for Qualifications	September 30, 2015
Deadline for Questions to the City	October 5, 2015 by 12:00 pm local time
Deadline for City Issuance of Responses to Questions	October 13, 2015 by 12:00 pm local time
Qualification Statements Due	October 19, 2015 by 12:00 pm local time
Issuance of Request for Proposals to Qualified Firms	October 26, 2015
Deadline for Questions to the City	November 5, 2015
Deadline for City Issuance of Responses to Questions	November 13, 2015

ARTICLE 4 – REQUEST FOR PROPOSALS, PRE-PROPOSAL MEETING, AND INTERVIEW

- 4.01 City shall evaluate Qualification Statements submitted in response to this Request for Qualifications to determine, in City's sole discretion, the firms deemed qualified to complete the Project in accordance with the Proposal Documents. Only firms deemed qualified by City after evaluation of the Qualification Statements shall be issued a Request for Proposals for the Project and permitted to submit Proposals in response thereto.
- 4.02 One (1) non-mandatory Pre-Proposal Meeting will be scheduled at a time and place to be determined by City and set forth in the Request for Proposals. The meeting will be for the purpose of providing firms with an opportunity to discuss the Proposal Documents with City. All firms are encouraged, but not required, to attend. Only firms deemed qualified by City after evaluation of the Qualification Statements and issued the Request for Proposals will be permitted to attend the Pre-Proposal Meeting.
- 4.03 Representatives of City will be present at the Pre-Proposal Meeting to discuss the Project. Qualified firms are encouraged to attend and participate in the Pre-Proposal Meeting. City will transmit to all qualified firms such Addenda as City considers necessary in response to questions arising at the Pre-Proposal Meeting and during the selection period. Oral statements may not be relied upon and will not be binding or legally effective.
- 4.04 City may, in its sole discretion, interview one or more firms after City analyzes the Proposals. The purpose of the interviews, if any, will be to meet the proposed Project team, become familiar with key personnel, and understand the Project approach and ability to meet the stated objectives for the Project. Please be prepared to discuss with specificity the firm's capacity to conduct this work in compliance with the timetable, budget, Local Hiring and Workforce Participation Policy and DBE expectations. City will notify firms to schedule individual interview times, if any.

ARTICLE 5 – QUALIFICATION STATEMENT SUBMITTAL REQUIREMENTS

- 5.01 Qualification Review and Determination
- A. City shall award the contract to the firm that City deems to be the lowest and best responsible firm in accordance with this Request for Qualifications, the Request for Proposals, applicable laws and the Contract Documents for the Project.
- B. City may conduct any additional inquiries to verify that firms and their proposed Subcontractors have the technical qualifications and performance capabilities necessary to successfully complete the Project in terms of controlling costs, quality of the Work and meeting deadlines, and a sufficient record of such successful past performance for similar projects. In conducting such inquiries, City may seek relevant information from firms, prior customers or clients, both public and private, Subcontractors or any other relevant sources.
- 5.02 Each firm is required to submit one (1) hard copy of this full Request for Qualifications and one copy of all documents required in Section 5.04.
- 5.03 Please adhere to the following requirements in preparing and submitting the documents required in 5.04 to be part of the Qualification Statement:
- A. Use 8½" x 11" paper only.

- B. Minimum font size of 11-point with margins of 1" on all four sides.
 - C. Page numbers must be centered at the bottom of each page.
 - D. Hard copies must be bound in a manner that will allow for easy photocopying.
 - E. Do not provide tabbed inserts or other features that may interfere with machine copying.
- 5.04 The Qualification Statement shall include the following information and documents, completed in accordance with this Request for Qualifications:
- A. Evidence of the firm's authority to do business in the State of Ohio, as required by Section 7.01 of these Instructions to Firms.
 - B. The firm's State Contractor license number, if any, as required by Section 7.02 of these Instructions to Firms.
 - C. The firm's staff and personnel for the Project that includes all of the requirements set forth in Section 7.03 of these Instructions to Firms.
 - D. The firm's current workload and the workload of the personnel proposed for the Project that includes all of the requirements set forth in Section 7.04 of these Instructions to Firms.
 - E. Evidence of the firm's bonding capacity and insurance program that includes all of the requirements set forth in Section 7.05 of these Instructions to Firms.
 - F. Certification Regarding Debarment, Suspension, and Other Responsibility Matters w/ Instructions, as required by Article 11 of these Instructions to Firms, in the form set forth in the Project Forms & Information section of this Request for Qualifications.
 - G. Statement and Certification of Qualifications that complies with the requirements set forth in Article 13 of these Instructions to Firms, in the form set forth in the Project Forms & Information section of this Request for Qualifications.

ARTICLE 6 – INTERPRETATIONS AND ADDENDA

- 6.01 To receive consideration, all questions about the meaning or intent of the Proposal Documents must be submitted in writing to Randall Keirns, Project Manager. Questions shall be either hand delivered at the Bureau of Engineering, 7th Floor Municipal Building, 166 S. High Street, Akron, Ohio 44308 or submitted by email to RKeirns@akronohio.gov. Interpretations or clarifications considered necessary by City in response to such questions will be issued, in writing, by Addenda mailed or delivered to all prospective firms of record. Questions received after the Deadline for Questions to the City set forth in Section 3.01 may not be answered. Only questions answered by Addenda will be binding. Oral and other interpretations or clarifications will be without legal effect.
- 6.02 No later than the applicable date set forth in Section 3.01, City will issue Addenda, which shall become a part of the Proposal Documents, that include responses to questions and other information that, in City's reasonable judgment, are appropriate to clarify or complement the Proposal Documents.

ARTICLE 7 – PREPARATION OF QUALIFICATION STATEMENTS

- 7.01 The Qualification Statement shall contain evidence of the firm's authority to do business in the State of Ohio.
- 7.02 The firm's State Contractor license number, if any, shall be included in the Qualification Statement.
- 7.03 The Qualification Statement shall contain the firm's staff and personnel for the Project, including: (a) names of the Project Executive, Senior Project Manager, Superintendents, and Shift Foreman; (b) the qualifications and experience of such staff and personnel; and (c) a full staffing chart for the firm's team for the Project.
- 7.04 The Qualification Statement shall contain the firm's current and future workload, including all current and committed projects, and the scheduled durations of such projects. The Qualification Statement shall also contain, for each person included in the firm's staffing plan required in Section 7.03, a chart of such individual's current and committed assignments, and an indication (in terms of percentage of time) of their time commitment to each current or committed assignment, and identify the phase(s) of this Project to which the individual will be assigned and the percentage of that individual's time to be devoted to this Project.
- 7.05 The Qualification Statement shall contain evidence of the firm's bonding capacity. The Qualification Statement shall also contain an insurance certificate showing the firm's current limits of liability for commercial general liability, employer's liability, business automobile liability and professional liability.
- 7.06 When signing the Qualification Statement, the firm shall meet the following requirements:
- A. A Qualification Statement by an individual shall show the firm's name and official address.
 - B. A Qualification Statement by a partnership shall be executed in the partnership name and signed by a partner (whose title must appear under the signature) accompanied by evidence of authority to sign. The official address of the partnership shall be shown.
 - C. A Qualification Statement by a corporation shall be executed in the corporate name by the president or a vice-president or other corporate officer accompanied by evidence of authority to sign. The corporate seal shall be affixed and attested by the secretary or an assistant secretary. The corporate address and state of incorporation shall be shown.
 - D. A Qualification Statement by a joint venture shall be executed by each party to the joint venture. The official address of the joint venture shall be shown. Every party to a joint venture must meet those qualifications with respect to the services it will provide. The Qualification Statement shall identify who shall sign all documents for the joint venture, and, should the joint venture be the selected firm, who shall act in all matters relative to the Contract resulting therefrom for the joint venture.
 - E. A Qualification Statement by a limited liability company shall be executed in the name of the firm by a member and accompanied by evidence of authority to sign. The State of formation of the firm and the official address of the firm shall be shown.

- 7.07 It is the responsibility of the firm to submit a neat, accurate, and complete Qualification Statement.

ARTICLE 8 – SUBMITTAL OF QUALIFICATION STATEMENTS

- 8.01 The Qualification Statement shall be submitted no later than the date and time set forth in Section 3.01 of this Request for Qualifications at the City of Akron Department of Public Service, Room 201, 166 South High Street, Akron, Ohio 44308. The Qualification Statement shall be enclosed in a plainly marked sealed envelope with the project title, the name and address of the firm, and "QUALIFICATION STATEMENT ENCLOSED" clearly printed thereon.
- 8.02 The submission of a Qualification Statement will constitute an incontrovertible representation by the firm that, without exception, the Qualification Statement is premised upon performing and furnishing the Work required by the Contract Documents and applying any specific means, methods, techniques, sequences, and procedures of construction that may be shown or indicated or expressly required by the Contract Documents, that the firm has given City written notice of all conflicts, errors, ambiguities, inconsistencies, omissions, or discrepancies in the Contract Documents and/or any applicable standard, rule, ordinance, regulation or law in the Proposal Documents and the written resolutions thereof by City are acceptable to the firm, and that the Contract Documents contained in the Proposal Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performing and furnishing the Work.
- 8.03 City accepts no liability for costs or expenses incurred by firms for work performed in connection with this selection process.

ARTICLE 9 – MODIFICATION AND WITHDRAWAL OF QUALIFICATION STATEMENTS

- 9.01 Prior to City opening the Qualification Statements, such documents may be withdrawn upon written request of the firm or the personal appearance of the firm or its designated representative. Withdrawn Qualification Statements may not be modified and resubmitted prior to the opening time if a firm claims a mistake, omission, or error in the preparation of the Qualification Statements. Qualification Statements may not be resubmitted unless the Work is re-advertised and a new selection process based upon such advertisement is initiated by City.
- 9.02 If, within twenty-four (24) hours after Qualification Statements are opened, any firm files a duly signed written notice with City and promptly thereafter demonstrates to the reasonable satisfaction of City that there was a material and substantial mistake in the preparation of its Qualification Statement, then that firm may withdraw its Qualification Statement. Thereafter, if the selection process is re-initiated by City, that firm will be disqualified from further participation in the selection process.

ARTICLE 10 – ACCEPTANCE OF QUALIFICATION STATEMENTS

- 10.01 Qualification Statements will be accepted until the applicable time set forth in Section 3.01 of this Request for Qualifications and at the place indicated in Section 8.01 of this Request for Qualifications.

ARTICLE 11 – EVALUATION OF QUALIFICATION STATEMENTS

- 11.01 In evaluating Qualification Statements, City shall consider the qualifications of the firm as required by Article 13 of these Instructions to Firms and the other requirements set forth in this Request for Qualifications.

- 11.02 City reserves the right to reject any and all Qualification Statements, to waive any and all informalities and to negotiate Contract terms with the selected firm, and the right to disregard all nonconforming, nonresponsive or conditional Qualification Statements. Discrepancies between words and figures will be resolved in favor of words. Discrepancies between the indicated sum of any column of figures and the correct sum thereof will be resolved in favor of the corrected sum.
- 11.03 As part of the selection process or in evaluating Qualification Statements, City may conduct investigations as deemed necessary to assist in the evaluation of any Qualification Statement and to establish the responsibility, qualifications and financial ability of the firms, proposed Subcontractors, and other persons and organizations to do the Work, to City's satisfaction within the Contract Time, in accordance with the Contract Documents.
- 11.04 City reserves the right, at any time during the selection process, to reject the Qualification Statement of any firm that does not comply with the criteria required by the Proposal Documents.
- 11.05 City will not make any award or permit any award at any tier to any party that is debarred or suspended or is otherwise excluded from or ineligible for participation in federal assistance programs under Executive Order 12549 "Debarment and Suspension". Each Contractor, Subcontractor and Supplier (over \$25,000) shall complete the Certification Regarding Debarment, Suspension, and Other Responsibility Matters.
- 11.06 The selected firm shall, promptly after the award of the Contract, notify the City Income Tax Department prior to beginning work on the Project of any independent contractor or subcontractor and/or IRS Form 1099 employee that will be used on the Project.
- 11.07 After the award of the Contract, the selected firm shall submit to City a statement affirmed under oath that the person or entity with whom the Contract is to be made was not charged at the time the Proposal was submitted with any delinquent personal property taxes on the general tax list of personal property of any County in which the taxing district has territory or that such person was charged with delinquent personal property taxes on any such tax list, in which case the statement shall also set forth the amount of such due and unpaid delinquent taxes and any due and unpaid penalties and interest thereon. If the statement indicates that the taxpayer was charged with any such taxes, a copy of the statement shall be transmitted by City to the County Treasurer within thirty (30) days of the date it is submitted.
- 11.08 A copy of the statement shall also be incorporated into the Contract, and no payment shall be made with respect to any Contract to which this Section applies unless such statement has been so incorporated as a part thereof. (Ohio Revised Code 5719.042).

ARTICLE 12 – PROTESTS

- 12.01 Any firm that is not deemed qualified to submit a Proposal may protest. The protest must be submitted in writing to the Director of Public Service within seven (7) days after such aggrieved party knows or should have known of the facts giving rise thereto.
- 12.02 If the protest is not resolved by mutual agreement, the Director of Public Service may issue a decision in writing to the protestant. If the Director of Public Service has not issued a decision within ten (10) days of receipt of the appeal, it will be deemed denied.
- 12.03 The decision of the Director of Public Service shall be final. The Director of Public Service need not consider protests unless this procedure is followed.

- 12.04 Nothing in this protest procedure shall, however, prevent City from distributing Requests for Proposals or awarding the Contract at any time if the Director of Public Service determines it is in the best interest of City.

ARTICLE 13 – STATEMENT AND CERTIFICATION OF QUALIFICATIONS (SCQ)

- 13.01 All business entities engaged in contracts for this Project shall be qualified designers, consultants, contractors and subcontractors that have sufficient capabilities in all respects to successfully perform contracts on which they are engaged, including the necessary experience, equipment, technical skills, licenses, and qualifications and organizational, financial, and personal resources. Firms shall also be required to have a satisfactory past performance record for similar projects and a satisfactory record of compliance with all applicable laws. To demonstrate the firm's qualifications to perform the Work, the firm shall submit a completed Statement and Certification of Qualifications (SCQ) Form with its Qualification Statement. The SCQ Form is included in the Project Forms & Information Section of this Request for Qualifications. The SCQ Form shall provide evidence that the firm meets the qualifications required by the Proposal Documents, including successful completion of projects similar in size and scope to this Project within the owner's time and budget constraints.
- 13.02 In the SCQ, the firm shall certify the facts contained therein. If the firm is unable to certify that it has met the requirements regarding past performance and work history, including its current qualifications and performance capabilities, then the firm shall provide a detailed explanation for why the firm is unable to so attest and certify.
- 13.03 The firm is required to maintain all qualifications, capabilities, personnel, equipment, facilities and financial resources attested to in the SCQ through Final Completion of the Project.
- 13.04 No award will be made to any firm who cannot demonstrate to City sufficient ability and experience in this class of Work and sufficient capital and plant to enable prosecution and completion of the Work successfully within the Contract Time. City's decision or judgment on these matters shall be final, conclusive, and binding.
- 13.05 City may make such investigations as it deems necessary, and the firm shall furnish to City, under oath if so required, all such information and data for this purpose as City may request.
- 13.06 If, after advertising this Request for Qualifications, City determines that circumstances exist that outweigh the benefits of implementing the requirements and procedures set forth in this Article 13, then City may, in its sole discretion, award the Contract without or with partial application of this Article 13.
- 13.07 Execution of the SCQ shall not establish a presumption of the firm's qualifications and City may require any additional information it deems necessary to evaluate the firm's status, including, but not limited to, technical or professional qualifications and experience, availability of qualified personnel, equipment and facilities, past performance on similar projects. City may require that such additional information be included in a separate SCQ or as an attachment to the SCQ.
- 13.08 If the firm has ever operated under another name, or controls, or is controlled by another company or business entity or in the past five years controlled or was controlled by another company or business entity, whether as a parent company, subsidiary, joint venture or any other business relation, it shall attach a separate statement to its SCQ that identifies the owners, officers, and members of such company or business entity and explains in detail the nature and duration of any such business relationship. City may request additional

information from such entity if the business relationship could potentially impact contract performance.

- 13.09 If the firm fails to provide an SCQ with its Qualification Statement, City may declare the Qualification Statement nonresponsive and City may disqualify the firm from receiving the Request for Proposals for the Project. City shall have no liability to the firm and no action of any nature will inure to the benefit of any firm failing to provide an SCQ to City with the Qualification Statement.

ARTICLE 14 – EXAMINATION OF PROPOSAL DOCUMENTS AND SITE

14.01 Subsurface and Physical Conditions

- A. Support Reference Documents, if any, made part of the Proposal Documents are not to be considered as part of the Contract Documents. Firms may not rely upon the accuracy of the information contained in these Support Reference Documents. Firms are responsible for any interpretation or conclusion drawn from any information or any other data, interpretations, or opinions, contained in these documents.
- B. No soil borings or subsurface exploration or tests will be allowed to be performed by firms prior to entering into the Agreement with City.

14.02 Site Examination

- A. Firms are free to access the Site with City's prior approval during the selection process to conduct such examinations, investigations, and studies as the firm deems necessary for submission of a Qualification Statement. Firms shall comply with all applicable Laws and Regulations relative to excavation and utility exploration.
- B. Prior to accessing the Site to conduct examinations, investigations, or studies, firms shall provide City with evidence of insurance to protect City from and against any damage or destruction at the Site resulting from the firm's access.
- C. Firms shall access the Site from City-owned property or shall obtain appropriate right-of-entry from surrounding property owners. Access to this property must be coordinated with City. Contact Randall Keirns, Project Manager at RKeirns@akronohio.gov for coordination.
- D. If the firm so desires, all additional lands and access thereto to be used for temporary construction facilities, construction equipment, or storage of materials and equipment to be incorporated in the Work are to be obtained and paid for by the firm.

14.03 Responsibilities of Each Firm Before Submitting a Qualification Statement

- A. Examine and carefully study the Proposal Documents currently available and the other related data identified in the Proposal Documents.
- B. Visit the Site and become familiar with and satisfied as to the general, local, and Site conditions that may affect cost, progress, and performance of the Work.
- C. Become familiar with and satisfied as to all federal, State, and local laws and regulations that may affect cost, progress, and performance of the Work.
- D. Correlate and consider the information known to the firm; information commonly known to construction managers and contractors doing business in the locality of the Site;

information and observations obtained from visits to the Site and the Proposal Documents; and the Site-related reports and drawings identified in the Proposal Documents, with respect to the effect of such information, observations, and documents on (1) the design of the Project; (2) the cost, progress, and performance of the Work; (3) the means, methods, techniques, sequences, and procedures of construction to be employed by the firm, including applying any specific means, methods, techniques, sequences, and procedures of construction expressly required by the Proposal Documents; and (4) the firm's safety precautions and programs.

- E. Include in the Qualification Statement any assumptions made regarding the Site conditions, including any examinations, investigations, explorations, tests, studies, or data proposed as necessary for the Project. Any qualifications or assumptions in the Qualification Statement should contain detailed information about what the firm used as the design basis for the Qualification Statement and that any significant changes from this in the final design must be evaluated.
- F. Become aware of the general nature of the Work to be performed by City and others at the Site, if any, that relates to the Work as indicated in the Proposal Documents.
- G. Promptly give City written notice of all conflicts, errors, ambiguities, or discrepancies discovered in the Proposal Documents.
- H. Determine that the Proposal Documents are sufficient to indicate and convey understanding of all terms and conditions for the performance of the Work.

ARTICLE 15 – CONTRACT TIMES

- 15.01 The Agreement will set forth City's requirements as to Contract Time. The Contract Time is the time for CONTRACTOR to attain Substantial Completion of the Work. Any extension of the Contract Time will be in City's sole discretion and will be CONTRACTOR's exclusive remedy for delays, as more particularly set forth in the Contract Documents.
- 15.02 Each firm shall review and accept the Project milestone dates set forth in the Agreement and associated work in connection with Working Days (as defined in the Supplemental Conditions).
- 15.03 In addition, by executing the Agreement, the selected firm acknowledges that the Contract Time, including the specified milestones, is reasonable taking into consideration the weather and other usual conditions for the location of the Project.

ARTICLE 16 – INSURANCE

- 16.01 Article 11 of the General Conditions sets forth City's insurance requirements for CONTRACTOR and all Subcontractors.

ARTICLE 17 – PERFORMANCE AND PAYMENT BOND

- 17.01 When the selected firm delivers the executed Agreement to City, it shall be accompanied by a performance and payment bond in the amount of the Pre-Construction Services Amount (as defined in the Agreement).
- 17.02 Article 7 of the General Conditions sets forth City's requirements as to the performance and payment bond.
- 17.03 The form of Performance and Payment Bond shall be included in the Request for Proposals.

PROJECT FORMS AND INFORMATION

1. Statement and Certification of Qualifications—SUBMIT for the firm and its proposed Subcontractors
2. Certification Regarding Debarment, Suspension, and Other Responsibility Matters w/ Instructions—SUBMIT

Statement and Certification of Qualifications

All bidders are required to submit evidence satisfactory to the Director of Public Service that the bidder meets the following requirements:

1. Minimum of three (3) years of experience in successful execution of work of similar magnitude under the current business name entity.
2. Successful completion of at least three (3) projects of similar nature and of comparable complexity.

The Service Director reserves the right to reject any bid which in his opinion fails to meet the above requirements. In the event that the lowest bidder is determined to be not qualified for the work, the Service Director may award the contract to the next lowest bidder or, at his option, reject all bids and re-advertise.

All questions must be answered and the data given must be clear and comprehensive. This statement must be notarized. If necessary, questions may be answered on separate sheets. The Bidder may submit any additional information he desires.

1. Names of Bidder _____
2. Permanent main office address _____

3. When organized _____
4. _____ Corporation; where incorporated _____
_____ Partnership
_____ Sole Proprietorship
5. How many years have you been engaged in the contracting business under your present firm or trade name? _____
6. Contracts on hand: (Schedule these, showing amount of each contract and the appropriate dates of completion.)

7. General character of work performed by your company _____

8. Have you ever failed to complete any work awarded to you? _____
If so, where and why? _____

9. Have you ever defaulted on a contract? _____
If so, where and why? _____

- _____
- _____
10. Have you ever been assessed liquidated damages? _____
If yes, please list projects and explain circumstances _____

11. Have you ever had a contract rescinded? _____
If so, why? _____

12. Have you ever been cited for a prevailing wage violation? _____
If yes, indicate how long ago, and how it was resolved _____

13. Have you ever paid a fine for OSHA violations? _____
If yes, explain _____

14. List your major equipment available for this contract _____

15. Experience in construction work similar in nature to this project _____

16. Background and experience of the principal members of your organization, including officers. _____

17. Credit available \$ _____
18. Give bank reference _____
19. Upon request, contractor shall fill out a detailed financial statement and furnish any other information that may be required by the City of Akron, Ohio and requested by the Director of Public Service.
20. The undersigned hereby authorizes and requests any person, firm or corporation to furnish any information requested by the City of Akron, Ohio in verification of the recitals comprising this Statement of Bidder's Qualifications.
21. President's Name _____
23. Federal Identification Number _____

State of Ohio _____)
_____)
County of _____)

_____ Being duly sworn deposes and
says

(Name of Affiant)

that he is _____ of
(Affiant)

_____ and that the answers to
the
(Name of Organization)

foregoing questions and all statements therein contained are true and correct.

(Affiant)

Subscribed and sworn to before me on this _____ day of _____, 2015.

Notary Public

My Commission Expires _____

Certification Regarding Debarment, Suspension, and Other Responsibility Matters
INSTRUCTIONS

Under Executive Order 12549 an individual or organization debarred or excluded from participation in Federal assistance or benefit programs may not receive any assistance award under a Federal program or a subagreement thereunder for \$25,000 or more.

Accordingly, each prospective recipient of an EPA grant, loan, or cooperative agreement and any contract or subagreement participant thereunder must complete the attached certification provide an explanation why they cannot. For further details, see the regulation 40 CFR 32.510, Participants' responsibilities.

Go to www.epls.gov to access the Excluded Parties List System (EPLS). The EPLS includes information regarding entities debarred, suspended, proposed for debarment, excluded or disqualified under the nonprocurement common rule, or otherwise declared ineligible from receiving Federal contracts, certain subcontracts, and certain Federal assistance and benefits. This information may include names, addresses, DUNS numbers, Social Security Numbers, Employer Identification Numbers or other Taxpayer Identification Numbers, if available and deemed appropriate and permissible to publish by the agency taking the action.

Where To Submit

The prospective EPA grant, loan, or cooperative agreement recipient must return the signed certification or explanation with its application to Ohio EPA.

A prospective prime contractor must submit a complete certification or explanation to the individual or organization awarding the contract.

Each prospective subcontractor must submit a complete certification or explanation to the prime contractor for the project.

Applicants may reproduce these materials as needed and provide them to their prospective prime contractor, who, in turn, may reproduce and provide them to prospective subcontractors.

Additional copies / assistance may be requested from:

Ohio EPA
Division of Environmental and Financial Assistance
P.O. Box 1049
Columbus, Ohio 43216-1049
(614) 644-2798
www.epa.state.oh.us/defa/

The prospective participant certifies to the best of its knowledge and belief that it and its principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- (b) Have not within a three year period preceding this proposal been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (b) of this certification;
- (d) Have not within a three year period preceding this application / proposal had one or more public transactions (Federal, State, or local) terminated for cause or default; and
- (e) Will not utilize a subcontractor or supplier who is unable to certify (a) through (d) above.

I understand that a false statement on this certification may be grounds for rejection of this proposal or termination of the award. In addition, under 18 USC Sec. 1001, a false statement may result in a fine of up to \$10,000 or imprisonment for up to 5 years, or both.

Type Name & Title of Authorized Representative

Signature of Authorized Representative

Date

☐ I am unable to certify to the above statements. My explanation is attached.